IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.MC.No. 3878 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA.6768/2006 Dated 17/11/2006
CRIME NO.149/06 OF MULANTHURUTHY POLICE STATION.

.....

PETITIONER: ACCUSED

A.I.JAMES,
S/O.ITTOOP, ATHITHOTTATHIL HOUSE,
KANDANADE DESOM, ERNAKULAM,
NOW WORKING IN CORPORATION BANK HOMES LTD.,
JALITTA TOWERS MISSION ROAD, BANGALORE.

BY ADV. SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN

RESPONDENTS:

---

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
MULANTHURUTHY.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3878 OF 2006

Dated this the 28th day of November, 2006

ORDER

The petitioner, who has been granted anticipatory bail subject to conditions by another Bench of this Court as per the order dated 17/11/2006, prays that the conditions imposed on the petitioner can now be deleted. He is aggrieved by the condition that he must appear before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays. The petitioner has been granted time for one month to appear before the learned Magistrate and seek regular bail.

2. The petitioner has not appeared before the learned Magistrate so far. In the meantime, the learned Public Prosecutor submits that the investigation is complete and the final report has already been filed.

3. It is for the petitioner to appear before the learned Magistrate and seek regular bail in accordance with the directions in the order granting anticipatory bail. I do not find any justification in the prayer for modification of the condition

now. The petitioner must certainly appear before the learned Magistrate at an early date and seek regular bail.

4. However, the learned counsel for the petitioner submits that the condition imposed on the petitioner that he must appear before the Investigating Officer on all Wednesday may be kept in abeyance in so far as this Wednesday i.e., 29/11/2006 is concerned as his personal presence is unavoidably required at Bangalore in connection with his work. The learned Public Prosecutor does not raise any serious objection against that prayer.

5. I am, in these circumstances, satisfied that the said condition that the petitioner must appear before the Investigating Officer on 29/11/2006 can be dispensed with. The petitioner can certainly surrender before the learned Magistrate on the next Wednesday and seek regular bail. He can certainly request the learned Magistrate not to impose such a condition when regular bail is granted to him.

6. This Crl.M.C. is allowed in part to the extent indicated above.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy// P.S. To Judge